

## **REMARKS**

This Amendment responds to the final Office Action mailed on June 21, 2007 and is being enclosed with a Request for Continued Examination submitted concurrently herewith. This Amendment represents a fully responsive submission, as required under 37 CFR § 1.114. Claims 17 and 21-30 are currently pending. Claims 17, 21 and 25 have been amended. Claims 18-20 have been cancelled. Claims 27-30 are new. In view of the claim amendments, as well as the following remarks, Applicants respectfully submit that this application is in complete condition for allowance and request reconsideration of the application in this regard.

### **Rejection under 35 U.S.C. § 102**

Claims 17-20, 23, 25, and 26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,691,895 to Strecker (hereinafter *Strecker*). The Examiner contends that *Strecker* shows or teaches all the features of the rejected claims. Applicants respectfully traverse the Examiner's contention.

In contrast to Applicants' independent claim 17, as amended, *Strecker* fails to disclose or suggest "a flow passage connecting said first and second vessels, the flow passage constructed and arranged to enable the liquid to flow between said first and second vessels." The Examiner contends that *Strecker* discloses a flow passage (224, 238) and concludes that "see Fig 2, the liquid coming out of each of the cylinders communicate (*sic*) within the flow passage disposed between the two vessels." As a threshold matter, Applicants note that the feature labeled with reference numeral (224) in *Strecker* is the second portion of the helical threads (252) on the feed screw (250). See column 4, lines 21-28. Although the features labeled in Figure 2 of *Strecker* with reference numeral (238) is not described in the written description, a person having ordinary skill in the art would understand that this feature is analogous to the feature labeled with reference numeral (38) and called an output channel in Figure 1. Hence, Applicants will consider the flow passage identified by the Examiner in Figure 2 of *Strecker* to be labeled with reference numeral (238) and will refer to this feature as output channel (238) in the following discussion.

In contrast to the Examiner's contention, the flow passage identified by the Examiner as output channel (238) does not permit liquid to flow between vessel (280) and vessel (282). Instead, *Strecker* discloses a first liquid originating from vessel (280) that flows toward output channel (238) and a second liquid originating from vessel (282) that also flows toward output channel (230). *Strecker* does not disclose that either liquid flows in a reverse direction in input channel (230) to vessel (280). *Strecker* does not disclose that either liquid flows in a reverse direction in input channel (234) to vessel (282). *Strecker* states that "delivery mechanisms 270, 272 ... urge ... liquid components 104, 106 **from** reservoirs 280, 282 **into** input channels 230, 234." *See* column 4, lines 55-61 (emphasis added). *Strecker* fails to disclose that liquid originating from vessel (280) can somehow flow through flow passage (224, 238) to vessel (282). Similarly, *Strecker* fails to disclose that liquid originating from vessel (282) can somehow flow through flow passage (224, 238) to vessel (280). This interpretation is reinforced by the disclosure in *Strecker* that "as feed screw 50 is rotated the threads of feed screw 50 **forces both liquid components ... in the direction of output channel 38.**" *See* column 3, lines 55-59 (emphasis added).

In order for a reference to anticipate the invention in a claim, the reference must teach each and every element in the precise arrangement set forth in the claim. *See* MPEP § 2131. If the reference fails to teach even one of the claimed elements, the reference does not and cannot anticipate the claimed invention. *Strecker* fails to disclose "a flow passage connecting said first and second vessels, the flow passage constructed and arranged to enable the liquid to flow between said first and second vessels." Consequently, *Strecker* fails to anticipate independent claim 17. For at least this reason alone, Applicants respectfully request that the Examiner withdraw the rejection.

Applicants' independent claim 17 is patentable over this ground of rejection for at least an additional reason. Specifically, *Strecker* fails to disclose "a flow rate restricting member disposed in the flow passage, the first flow rate restricting member configured to regulate a flow rate of the liquid flowing in the passage between the first and second vessels when the first and second pressuring devices are operated such that the first pressure applied to the liquid in the first vessel differs from the second pressure applied to the liquid in the second vessel." The Examiner

identifies “screws 50, 250, drive mechanism 60, 260 in communication with a controller” in *Strecker* and contends that these features constitute a flow rate restriction member.

On the other hand, *Strecker* fails to disclose that the screw (250) somehow operates as a flow rate restricting member to regulate flow of the two different liquids in passage (238) between the vessels (280, 282), as set forth in independent claim 17. First of all, *Strecker* fails to disclose that “the first and second pressuring devices are operated such that the first pressure applied to the liquid in the first vessel differs from the second pressure applied to the liquid in the second vessel.” Second, *Strecker* only discloses that the screw (250) is rotated to direct the flow of the two liquids from vessels (280, 282) toward the output channel (238). The converse is not disclosed, as improperly contended by the Examiner. For at least this additional reason, *Strecker* fails to anticipate independent claim 17. Applicants respectfully request that the Examiner withdraw the rejection.

Because claims 23, 25, and 26 depend from independent claim 17, Applicants submit that these claims are also patentable. Furthermore, claims 23, 25, and 26 each recite a unique combination of elements not disclosed or suggested by *Strecker*.

As disclosed throughout *Strecker*, the first liquid in vessel (280) and the second liquid in vessel (282) constitute two components that are combined to form a liquid product (i.e., a two-part adhesive). A person having ordinary skill in the art would comprehend that the two components are not intentionally mixed within either of the vessels (280, 282) and, in contrast, are intentionally kept separated while resident in the vessels (280, 282). Hence, a person having ordinary skill in the art would appreciate that permitting an exchange of the two liquids between the vessels (280, 282) is not desired. According to MPEP § 2143.01, “if proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.”

The Examiner states on page 5 of the Office Action that “in *Strecker* the liquid is not prevented to flow in the section or passage (224,238), when the screw (250) is not completely lowered through the passage.” Applicants submit that this statement may indicate that the Examiner has misconstrued *Strecker*. The feed screw (250) is not “lowered” through the output channel (238). Instead, the feed screw (250) is stationary in position (i.e., not translated) relative

to the output channel (238). The feed screw (250) in *Strecker* is rotated such that the helical threads (252) mix and drive the two different liquids toward the output channel (238).

### **Rejection under 35 U.S.C. § 103**

Claims 21 and 22 stand rejected as being unpatentable over *Strecker* in view of U.S. Patent No. 6,540,104 to Yanagita et al. (hereinafter *Yanagita*). *Yanagita* fails to remedy the deficiencies of *Strecker*. Specifically, *Yanagita* fails to disclose or suggest “a flow passage connecting said first and second vessels, the flow passage constructed and arranged to enable the liquid to flow between said first and second vessels” and “a flow rate restricting member disposed in the flow passage, the first flow rate restricting member configured to regulate a flow rate of the liquid flowing in the passage between the first and second vessels when the first and second pressuring devices are operated such that the first pressure applied to the liquid in the first vessel differs from the second pressure applied to the liquid in the second vessel.” Therefore, dependent claims 21 and 22 are patentable for at least the same reasons as independent claim 17. Furthermore, dependent claims 21 and 22 each recite a unique combination of elements not disclosed or suggested by the combination of *Strecker* and *Yanagita*.

Claim 24 stands rejected as being unpatentable over *Strecker* in view of U.S. Patent No. 6,672,519 to Hunter et al. (hereinafter *Hunter*). *Hunter* fails to remedy the deficiencies of *Strecker*. Specifically, *Hunter* fails to disclose or suggest “a flow passage connecting said first and second vessels, the flow passage constructed and arranged to enable the liquid to flow between said first and second vessels” and “a flow rate restricting member disposed in the flow passage, the first flow rate restricting member configured to regulate a flow rate of the liquid flowing in the passage between the first and second vessels when the first and second pressuring devices are operated such that the first pressure applied to the liquid in the first vessel differs from the second pressure applied to the liquid in the second vessel.” Therefore, dependent claim 24 is patentable for at least the same reasons as independent claim 17. Furthermore, dependent claim 24 recites a unique combination of elements not disclosed or suggested by the combination of *Strecker* and *Hunter*.

### **New Claims**

Claims 27-30 have been added as new claims. Each of these claims depends from independent claim 17 and, therefore, is patentable for at least the same reasons. Furthermore, each of these claims recites unique combinations of elements not disclosed or suggested by *Strecker* either alone or in combination with either *Yanagita* or *Hunter*.

### **Conclusion**

Applicants have made a bona fide effort to respond to each and every requirement set forth in the Office Action. In view of the foregoing amendment and remarks, this application is submitted to be in complete condition for allowance and, accordingly, a notice to this effect is earnestly solicited. In the event that any issues remain outstanding, the Examiner is invited to contact the undersigned to expedite issuance of this application.

Applicants do not believe that any fees are due in connection with this response other than the fee for filing a Request for Continued Examination. However, if any additional fees are necessary as a result of this communication, the Commissioner is hereby authorized to charge any necessary fees to Deposit Account No. 23-3000.

Respectfully submitted,  
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